

CITY COUNCIL MINUTES
January 10, 2011
REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, January 10th, 2011 at 6:00 p.m. with Mayor Kirby presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

PLEDGE OF ALLEGIANCE by the Cub Scouts

ROLL CALL:

Council Members Present: Bridget Powers, Kevin Hanley, J. M. Holmes, Keith Nesbitt, Bill Kirby

Council Members Absent: None

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono, Community Development Director Will Wong, Fire Chief Mark D'Ambrogi, Public Works Director Bernie Schroeder, Transit Analyst Megan Siren, Administrative Services Director Andy Heath, Assoc. Planner Lance Lowe, Police Chief Valerie Harris and Police Captain John Ruffcorn.

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS

Mayor Kirby presented a commendation for David Albright, a volunteer with Auburn Police Department.

AGENDA APPROVAL

Council Member Nesbitt requested item 14 be moved to be the first item following the consent calendar.

The agenda was approved as presented by consensus of the Council.

CONSENT CALENDAR

Joseph Tucciarone, resident of Auburn, requested item 5 be removed from the consent calendar.

1. **Warrants**

By **RESOLUTION 11-01** approve Warrants #76154 through 76512 totaling \$2,161,843.65.

2. **Minutes**

By **MOTION** approve City Council Minutes of 11/22/2010 and 12/06/2010.

3. **Placer County Water Agency Non-Exclusive Easement at 2301 Lindberg Street**

By **RESOLUTION 11-02**, authorize the Director of Public Works to execute easement documents with Placer County Water Agency (PCWA) for water facilities constructed at 2301 Lindberg Street (the Airport Industrial Park).

4. **Vintage Oaks Lift Station Project – Notice of Completion**

By **RESOLUTION 11-03**, authorize the recording of a Notice of Completion for the Vintage Oaks Lift Station Project.

5. **CalPERS Contract Amendment Resolution of Intention and Disclosure of Costs to Participate in 2% @ 50 Full Formula for Public Safety Members**

Removed from consent calendar. See item 6a.

6. **Technology Support Services Memorandum of Understanding with the Placer County Sheriff's Office**

By **RESOLUTION 11-06**, approve the Memorandum of Understanding, between the Placer County Sheriff's Office and the Auburn Police Department, for technical support and maintenance of shared public-safety-related technology systems.

***** End of Consent Calendar *****

By **MOTION**, approve the consent calendar with the exception of item 5.
MOTION: Hanley/ Powers/ Approved 5:0

6a. **CalPERS Contract Amendment Resolution of Intention and Disclosure of Costs to Participate in 2% @ 50 Full Formula for Public Safety Members (formerly agenda item number 5)**

Joseph Tucciarone, resident of Auburn, said he would like the Council to look at any way to reduce the costs of employee benefits to save taxpayer dollars.

Council Member Hanley explained how negotiations with employee unions are conducted and the importance of retaining well trained public safety employees.

Council Member Nesbitt said the council and the unions have been working together in negotiations to gain great compromises and reduce costs.

Council Member Powers thanked the unions who negotiated these new contracts and made these sacrifices.

By **RESOLUTION 11-04**, adopt a Resolution of Intention to approve an amendment to the contract between the Board of Administration California Public Employees' Retirement System and City of Auburn providing Section 20475 (Different Level of Benefits) for local safety members whereby Section 21362 (2% @ 50 Full formula) is applicable to local safety members entering membership for the first time in the safety classification after the effective date of this amendment to the contract.

By **RESOLUTION 11-05**, consistent with Government Code Section 7507, disclose the future annual employer costs related to a local public safety benefit amendment will be 14.172% of reportable earnings for local safety members entering the membership for the first time in the safety classification after the effective date of the amendment to the contract.

MOTION: Nesbitt/ Holmes/ Approved 5:0

6b. **Amgen Tour of California Local Organizing Committee (formerly 14)**

Council Member Nesbitt introduced this item. He said this is a "progress report" of how the committee organizing the Stage 3 Amgen Tour of California start in May is doing.

Police Captain John Ruffcorn, Chair of the LOC, reviewed what the committee has already completed and what will be done in the coming months.

Ron Schwab, Sponsorship Director of the LOC, reviewed the sponsorship progress and said he plans to begin selling sponsorships by next Monday. He said there are 7 sponsorship levels and briefly reviewed each. He said they should be able to start identifying sponsors next Monday.

7. **Public Comment**

Council Member Holmes said the Placer County Air Pollution Control District is accepting "Clean Air" Grant applications. He said he is concerned about some of the items in the Governor's recently released budget and encouraged staff to look at these issues and write letters to legislators and the Governor expressing concern.

Dan Sokol, resident of Auburn, said he would like to see the new signal lights in Auburn be energy efficient. He said Auburn should own any street lights that are installed, for cost savings.

PUBLIC HEARING

8. **Senate Bill 857: Parking Fine Increase Effective December 7, 2010, and Procedures to Adopt Increased Parking Fines by Resolution**

Police Captain John Ruffcorn presented this item.

Council Member Holmes asked about the referenced "Exhibit A" in the resolution to be approved.

City Attorney Michael Colantuono explained the "Exhibit A" is listing the vehicle code base penalties set by state law.

Council Member Holmes asked where the information is showing the current parking fees in Auburn.

Police Captain John Ruffcorn said documentation could not be found stating when the parking fines were established or last updated.

Council Member Hanley asked about revenue generated by parking fines. He also said these fines were imposed by the State, not leaving much of a choice on a local level.

By **RESOLUTION 11-07**, approve an increase of parking fines by eight dollars (\$8.00) to comply with Senate Bill 857 and Senate Bill 1407 and to comply with Department of Motor Vehicles practices that do not process amounts not stated in even dollars.

MOTION: Nesbitt/ Powers/ Approved 5:0

9. **Continued Public Hearing to Consider an Appeal of the Planning Commission's Approval of a Height Variance for a 78 foot Monopine Cellular Tower located at 169 Borland Avenue in the Industrial (M-2) Zone**

Jacob Reeves; representing AT&T, the applicant on the project; said he was directed by AT&T Corporate to request a continuance on this item.

City Attorney Michael Colantuono suggested that because at the last hearing on this matter when the opponents of the project had legal representation (suggesting possible litigation over this permit), AT&T is most likely taking more time to prepare their presentation.

Associate Planner Lance Lowe said he only received the request from AT&T today. He said he did not receive an official request from the appellant to continue this item, although the appellant had discussed that possibility with him.

Council Member Powers asked the applicant for more information behind the continuance request.

Michael Colantuono advised that the decision to continue this item is the Council's. He said both sides on the issue have had due time to prepare their case.

Council Member comments followed regarding the importance of having both parties fully prepared to move forward on the item.

Council Member Holmes expressed concern with continuing the item due to the last-minute request by AT&T.

Mayor Kirby said he is disappointed by AT&T's request for continuance at the last minute. He also said a continuance request should not be provided without some concrete comments as to why it is being requested.

O.C. Taylor, appellant on this item, resident in Auburn, spoke in opposition of continuing this item. He said many people who were in attendance were ready to speak on the item. He said he inquired about a continuance during the previous week himself.

City Attorney Michael Colantuono explained the difference in continuance requests between the applicant and the appellant arising from the FCC's 150-day shot-clock rule.

By **MOTION**, continue to a date uncertain and provide public notice as required as of the new hearing date.

MOTION: Hanley/ Powers/ Approved 4:1 (Holmes voted no)

REPORTS

10. **City Council Committee Reports**

Council Member Powers reported the Economic Development Commission meets tomorrow at 4pm in Room 10 for anyone interested in attending. She also said the Airport Business Park Association is having their Executive Director's meeting this Wednesday at 5pm. She said the General Association meeting will be at January 26th at 5pm in the Pilots Lounge. She also said the Placer County Economic Development Board will meet January 20th at 3pm in Rocklin.

Council Member Holmes reported that the Placer County Air Pollution Control District has completed the purchase of 110 Maple St. as its new headquarters.

Council Member Nesbitt reported that SHAAC will be meeting Wednesday at 5pm in the Rose Room.

COUNCIL BUSINESS

11. **Regional Wastewater Project Value Engineering Study – Request for Funding**

Public Work Director Bernie Schroeder presented this item (presentation available in the City Clerk's office).

Dan Rich, Wastewater Consultant with NexGen, addressed the study's potential to identify lower costs for the regional project.

Council Member Hanley asked about the price being defined as fixed vs. firm. He also asked about the deposit listed on the proposal and what part of the sewer fund would be utilized for this.

City Manager Robert Richardson said the funds utilized would be from the sewer fund reserves held for UV upgrades.

Mayor Kirby said the Lincoln proposal is subject to negotiation. He said the agreement would need to be negotiated so that it is beneficial to both cities. He asked if this is a common practice to fund a study being completed by another city.

Council recessed for 5 minutes

Council Member Hanley asked about possible increases in monthly rates.

Council Member conversation followed regarding the last Wastewater study completed.

Bernie Schroder said the timeline for completed construction for a regional plant is 2014.

Warren Bennett, Executive Director of PNWA / Bennett Engineering, gave his opinion of the proposal.

Robert Weygandt, Placer County Board of Supervisors, gave his perspective of the proposal by Lincoln. He said it is a "compelling and historic decision to be made."

Spencer Short, Mayor Pro Tem, City of Lincoln, said this study and regional plant are the right things for the community. He said they will result in clean, reliable long-term permitting for wastewater treatment. He said the goals of the two studies are different. He said Lincoln looks forward to having Auburn as a partner on this regional approach.

Council Member Hanley asked about Auburn's financial responsibility in Lincoln's proposal. He asked about the money in the oversizing fund. He asked why the City of Lincoln is not helping pay for the study they are proposing.

Spencer Short said because the study is to accommodate Placer County and the City of Auburn, the cost is being put on those two partners.

Council Member Hanley asked about the Lincoln City Council determining sewer rates per the proposal.

Spencer Short said there needs to be a cooperative agreement on how rates are determined in the future. He said each City could be represented on a committee to determine these factors.

Council Member Holmes said he feels that Lincoln's plant was expanded to fit the need of the citizens of Lincoln, not a regional solution.

Bruce Burnworth, City Engineer, City of Lincoln, presented the "Regional Sewer, City of Lincoln Proposal" (available in the City Clerk's office). He then answered questions from the Council regarding: (1) The Army Corps of Engineers grant that was given to the County to help fund the regional

sewer project, (2) fines by environmental agencies due to reduced water in the creek if the regional project is completed, (3) the aggressive timeline on the project, and (4) options for financing the project.

Cheryl Maki, resident of Auburn, spoke of her experience when she was on Council trying to keep up with regulations with the wastewater treatment plant. She spoke in favor of a regional wastewater treatment plant.

Bob Snyder, resident of Auburn, stressed this opportunity to go regional is different then in the past. He talked about the level of local control and regulations. He said going regional will provide an opportunity to produce reclaimed water. He spoke in favor of a regional wastewater treatment plant and spoke of the unintended consequences of not going regional.

Bill Kirby, Chairman of the Placer Nevada Wastewater Authority, resident of Auburn, spoke in favor of a regional wastewater treatment plant. He said this is an opportunity to get a firm number on Auburn's costs to go regional.

Council Member questions followed: (1) past funding for studies, (2) construction of pipeline, and (3) lift stations.

Council Member Hanley said he is concerned about the timeline, the lack of money being put up for the study by Lincoln, the uncertainty with the final financial costs, local control, the details in the Lincoln proposal, and sewer rate increases for local residents.

Council Member Nesbitt said he is also concerned with the number that comes from the study not being firm and with the monthly cost to local residents.

Mayor Kirby said he shares the same concerns and will look at this study very critically, but supports this study because it will provide a definitive end.

By **RESOLUTION 11-08**, authorize the Director of Public Works to execute the Memorandum of Understanding with Placer County and the City of Lincoln which will authorize the contribution of \$28,000 to the City of Lincoln for the City of Auburn's share of the Value Engineering Study.

MOTION: Holmes/ Powers/ Approved 5:0

12. **Placer Nevada Wastewater Authority – Funding Request for Executive Director Contract**

Public Works Director Bernie Schroeder presented this item (staff report available in City Clerk's office).

Placer County Supervisor Weygandt spoke about the support that PNWA provides to the region.

Bill Kirby, Chairman of PNWA, he said position this might allow PNWA Board to write independent grants to possibly fund projects and salary in the future.

Council Member questions followed regarding scope of work for position and how the position is related to the regional wastewater treatment plant project.

Public Works Director Bernie Schroeder explained the benefits of this position to each agency that participates.

Placer County Supervisor Weygandt explained this role and how it would change if a regional wastewater plant were to move forward.

Spencer Short, Mayor Pro Tem, Lincoln City Council, said there is a continuing need for PNWA and this role.

Council Member comments followed regarding: (1) Auburn's share coming from the sewer fund, (2) reduced responsibility for the Executive Director, (3) Lincoln not participating, and (4) the benefits of PNWA.

By **RESOLUTION 11-09**, authorize the Director of Public Works to authorize the cost sharing for the funding of the contract for the Executive Director of the Placer Nevada Wastewater Authority in an amount not to exceed \$25,000.

MOTION: Powers/ Nesbitt/ Approved 4:1 (Holmes voted no)

13. **Auburn State Recreation Area**

Council Member Holmes presented this item. He said this resolution asks the Secretary of the Interior to decide whether the Auburn State Recreation Area should remain funded by the Bureau of Reclamation or possibly the Bureau of Land Management. He said he is also working with multiple other elected representatives to gain support on this issue. He said a cover letter will be included if the resolution passes that would send it to the Secretary of the Interior and with other copies going to elected legislators, BOR and BLM.

Gary Estes, Resident of Auburn and Board Member of Protect American River Canyons, said the purpose of this resolution is to get all parties together and get attention in Washington D.C. on this issue.

Council Member Holmes said this issue has developed into a much larger issue, and broad support is needed. He said the contract between Cal Fire and BOR has changed in terms of coverage areas.

Council Member Hanley said its important to look at the numbers coming from BOR of what it takes to manage this recreation area and push to get adequate funding.

By **RESOLUTION 11-10**, support a long-term solution for Auburn State Recreation Area.

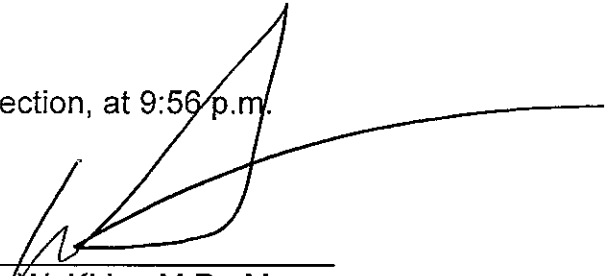
MOTION: Hanley/ Powers/ Approved 5:0

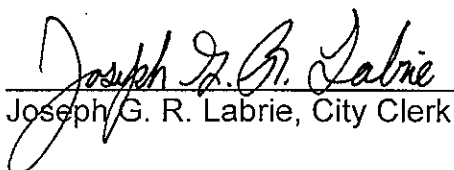
14. **Amgen Tour of California Local Organizing Committee**

Moved to item 6b.

ADJOURNMENT

Mayor Kirby adjourned the meeting, without objection, at 9:56 p.m.



William W. Kirby, M.D., Mayor

Joseph G. R. Labrie, City Clerk